

IV. Remarks

A. Status of the Application

Applicants appreciate and acknowledge the allowability of claims 13-16.

No claims have been canceled, claims 11, 17, 23 and 26 have been amended, and no claims have been added. Accordingly, the pending claims are 11-21 and 23-39.

Reconsideration of this application in light of the following remarks is respectfully requested.

B. Rejection under 102(e) over U.S. 6,663,628 to Peters

Claims 11, 12, 18-21, 23-29, and 38 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,663,628 to Peters ("Peters"). Applicants respectfully traverse the rejection.

Peters teaches a blade 10 having an outer blade assembly 12 with an outer tube 16. At the distal section 30 of the outer tube 16, there is a dielectric coating 38 and a cutting surface 36. Cutting surface 36 is provided about the periphery of cutting window 34. (Figures 1-3, and column 4, line 19-column 5, line 20.) " ... whereas the distal section 34 is a cutting surface or edge 36 about at least a portion of the cutting window 34." (Peters, column 4, lines 48-50, emphasis added).

Independent claim 11 recites, "a truncated surface interrupting said substantially cylindrical configuration; a cutting element positioned in said truncated surface; a transverse axis, transverse to the longitudinal axis, the transverse axis intercepting at least a portion of the substantially cylindrical configuration, and intercepting at least a portion of the cutting element; wherein said cutting element is a blade spaced from said outer surface and extending in substantial alignment with said longitudinal axis."

Independent claim 23 recites, "a truncated surface disposed on a second side of the body; a cutting element positioned in said truncated surface and spaced from said outer surface; a first end of the perpendicular axis intercepting at least a portion of the outer surface, and a second end of the perpendicular axis intercepting at least a portion of the truncated surface; wherein said cutting element comprises a blade extending in substantial alignment with said longitudinal axis."

Independent claim 26 recites, "a truncated surface disposed on a second side of the body; a cutting element positioned in said truncated surface and spaced from said outer surface; a first end of the perpendicular axis intercepting at least a portion of the outer surface,

and a second end of the perpendicular axis intercepting at least a portion of the truncated surface; wherein said outer surface extends over an arc of at least 240° of a circumference of said body.”

Applicant respectfully submits that Peters does not teach or suggest the desirability of “a cutting element positioned in said truncated surface and spaced from said outer surface” as recited in independent claims 11, 23, and 26. As discussed above, Peters teaches a cutting blade formed by the edge of the outer surface adjacent the cutting window, not a separate blade positioned inside the opening of the cutting window.

Regarding claims 11 and 23, Peters also does not teach or suggest, “wherein said cutting element comprises a blade extending in substantial alignment with said longitudinal axis.” Peters’ cutting window 34 has portions in alignment with and portions transverse to a longitudinal axis of outer tube 16, and therefore cutting surface 36 about cutting window 34 also has portions in alignment with and transverse to a longitudinal axis of outer tube 16.

Regarding claim 26, Peters does not teach or suggest, “wherein said outer surface extends over an arc of at least 240° of a circumference of said body.”

Applicant respectfully requests that the Examiner withdraw the rejection to claims 11, 12, 18-21, 23-29, and 38, for at least the reasons set forth above.

C. Rejection under 103(a) over U.S. 6,663,628 to Peters

Claims 17, 30-32, 34, 26, 35-37 and 39 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,663,628 to Peters (“Peters”). Applicants respectfully traverse the rejection.

Claims 17, 30-32, 34, 26, 35-37 and 39 recite “a cutting element positioned in said truncated surface and spaced from said outer surface.”

Applicant respectfully submits that Peters does not teach or suggest the desirability of “a cutting element positioned in said truncated surface” as recited in claims 17, 30-32, 34, 26, 35-37 and 39. As discussed above, Peters teaches a cutting element at the edge of the outer surface adjacent the cutting window, not positioned in the cutting window. In addition, Peters does not teach or suggest, “wherein said outer surface extends over an arc of at least 240° of a circumference of said body.”

Applicant respectfully requests that the Examiner withdraw the rejection to claims 17, 30-32, 34, 26, 35-37 and 39, for at least the reasons set forth above.

D. Allowable Subject Matter

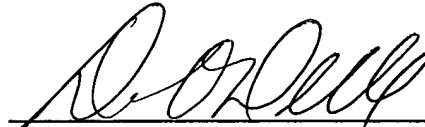
In the Office Action, the Examiner allowed claims 13-16. Applicant appreciates the allowance of claims 13-16.

E. Conclusion

In view of the foregoing, Applicant respectfully submits that all pending claims are allowable, and respectfully requests a notice of allowance for claims 11-21 and 23-39. If the Examiner believes an interview would be helpful in moving the application forward to allowance, or has any questions, the Examiner is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,

Date: 8-24-04

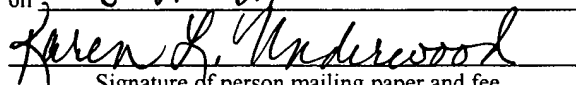


David M. O'Dell
Registration No. 42,044

HAYNES AND BOONE, LLP
901 Main St., Suite 3100
Dallas, Texas 75202
Telephone: 713-547-2040
Facsimile: 214-200-0853
e-mail: ipdocketing@haynesboone.com
H-490214_1.DOC

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